

REMARKS / DISCUSSION OF ISSUES

Claims 1-15 are presently pending. Claims 1 and 10 are in independent form.

Objections to the Drawings

The objections to the drawings have been considered. Applicants have amended the specification to properly remedy the error. To wit, Fig. 2 is correct; however its supporting description inadvertently referred to the dielectricum with reference character 8 instead of reference character 9. This has been corrected by the present amendment to the specification.

Objections to the Specification

Applicants thank the Examiner for providing information about recommended section headings. However, Applicants respectfully decline to add the headings. Section headings are not statutorily required for filing a non-provisional patent application under 35 USC § 111(a), but per 37 CFR § 1.51(d) are only guidelines that are suggested for applicant's use. (See "Miscellaneous Changes in Patent Practice, Response to comments 17 and 18" (Official Gazette, August 13, 1996) [Docket No: 950620162-6014-02] RIN 0651-AA75 ("Section 1.77 is permissive rather than mandatory. ... [T]he Office will not require any application to comply with the format set forth in 1.77")). (See also MPEP § 608.01(a)).

Rejections Under 35 U.S.C. § 102

Claims 1-4 are rejected under 35 U.S.C. § 102(e) as being unpatentable over *Kyu, et al.* (U.S. Patent 6,815,016). For at least the reasons set forth herein, Applicants respectfully submit that this rejection is improper and should be withdrawn.

A proper rejection of a claim under 35 U.S.C. § 102 requires that **a single prior art reference disclose each element of the claim.** See, e.g., *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). **Anticipation requires that each and every element of the claimed invention be disclosed in a**

single prior art reference. *See, e.g., In re Paulsen*, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990).

Alternatively, anticipation requires that **each and every element of the claimed invention be embodied in a single prior art device or practice.** *See, e.g., Minnesota Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992). **For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention.** *See, e.g., Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991). (Emphasis added in each instance.)

Claim 1 is drawn to an optically anisotropic body and features “...*subjecting the polymerizable electro-optical and/or magneto-optical material to a non-uniform electric and/or magnetic field to establish electric and/or magnetic field lines in accordance with a desired pattern within the electro-optical and/or magneto-optical material...*”

Claim 10 is drawn to a method and includes a similar feature.

The Office Action directs Applicants to column 1, lines 11-16 and lines 45-65 of *Kyu, et al.* However, Applicants have carefully reviewed the portions directed by the Examiner and respectfully submit that there is no teaching or suggestion that the field applied is non-uniform as specifically recited in claims 1 and 10. Applicants have conducted a key-word search of the applied art and have found no disclosure elsewhere in the reference to *Kyu, et al.* of the featured *subjecting the polymerizable electro-optical and/or magneto-optical material to a non-uniform electric and/or magnetic field*. Therefore, the applied art fails to disclose at least one feature of claims 1 and 10; and there is a clear difference between the features of claims 1 and 10 and the reference disclosure.

For at least the reasons set forth above Applicants respectfully submit that the applied art fails to disclose at least one element of claims 1 and 10. Therefore claims 1 and 10 are patentable over the applied art. Moreover, claims 4-9 and 11-15 are

patentable at least because of their dependence (direct or indirect) from claims 1 and 10, respectively.

Rejections under 35 U.S.C. § 103

The rejections under 35 U.S.C. § 103(a) have been considered. While Applicants by no means concede the propriety of these rejections, Applicants nonetheless note that the rejections under this section of the Code pertains to dependent claims 6-15. For at least the reasons set forth above, these claims are patentable over the applied art. Applicants do not waive their right to address the noted rejections under this section of the Code in further and future replies.

Conclusion

In view the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies to charge payment or credit any overpayment to Deposit Account Number 50-0238 for any additional fees, including, but not limited to, the fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted on behalf of:
Phillips Electronics North America Corp.

A handwritten signature in black ink, appearing to read "William S. Francos", is written over a horizontal line.

by: William S. Francos (Reg. No. 38,456)

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Valentine Francos & Whitt, PLLC
Two Meridian Blvd.
Wyomissing, PA 19610
(610) 375-3513 (v)
(610) 375-3277 (f)